



PATENT

Attorney Docket No.: 2876 (203-3345)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Schechter et al.

Examiner: Not Assigned

Serial No.: 10/712,486

Group: Art Unit 3739

Filed: November 13, 2003

Dated: March 15, 2004

For: COMPRESSIBLE JAW CONFIGURATION WITH BIPOLAR
RF OUTPUT ELECTRODES FOR SOFT TISSUE FUSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO-1449 is brought to the attention of the Examiner. It is respectfully submitted that copies of the references listed on pages 1-9 are not required since this application was filed after June 30, 2003 pursuant to 51 C.F.R. 1.98. Copies of foreign references and publications listed on pages 10-14 of form PTO-1449 are enclosed.

Applicant would also like to bring commonly-owned U.S. Application Serial No. 09/419,592 filed on October 18, 1999; U.S. Application Serial No. 09/621,029 filed on July 21, 2000; U.S. Application Serial No. 10/246,107 filed on September 17, 2002; U.S. Application Serial No. 10/474,227 filed on October 3, 2003; U.S. Application Serial No. 10/299,650 filed on November 19, 2002; U.S. Application Serial No. 10/246,087 filed on September 17, 2002; U.S. Application Serial No. 10/090,081 filed on

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 15, 2004.

Dated: March 15, 2004

Edward C. Meagher

March 1, 2002; U.S. Application Serial No. 10/164,654 filed on June 6, 2002; U.S. Application Serial No. 10/243,274 filed on September 13, 2002; U.S. Application Serial No. 10/474,226 filed on October 3, 2003; U.S. Application Serial No. 10/338,953 filed on January 8, 2003; International Application No. PCT/US01/11340 filed on April 6, 2001; U.S. Application Serial No. 10/472,295 filed on September 18, 2003; U.S. Application Serial No. 10/474,169 filed on October 3, 2003; U.S. Application Serial No. 10/116,944 filed on April 5, 2002; U.S. Application Serial No. 10/369,894 filed on February 20, 2003; U.S. Application Serial No. 10/474,168 filed on October 3, 2003; U.S. Application Serial No. 10/474,170 filed on October 3, 2003; U.S. Application Serial No. 10/116,824 filed on April 5, 2002; U.S. Application Serial No. 10/284,562 filed on October 30, 2002; U.S. Application Serial No. 10/471,818 filed on September 11, 2003; U.S. Application Serial No. 10/474,273 filed on October 3, 2003 U.S. Application Serial No. 10/782,211 filed on December 4, 2003; U.S. Application Serial No. 10/460,926 filed on June 13, 2003; U.S. Application Serial No. 10/461,550 filed on June 13, 2003; U.S. Application Serial No. 10/462,121 filed on June 13, 2003 and U.S. Application Serial No. 10/718,379 filed on November 20, 2003 to the Examiner's attention. Copies of these applications are enclosed.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

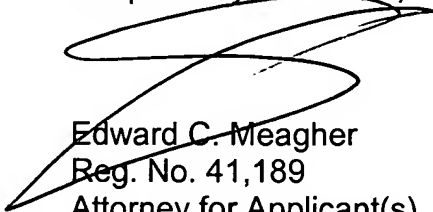
- ☐ This information disclosure statement is being filed within three (3) months of the filing date of this application.
- ☐ This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- ☒ To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- ☐ Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1).
- ☐ Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(ii).
- ☐ Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1))
- ☐ Please charge the \$130.00 petition fee to Deposit Account No. **50-2140**.
- ☐ Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).
- ☐ Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. **50-2140**.

[X] Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 50-2140. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-2140 therefor.

TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,



Edward C. Meagher
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Attorney for Applicant(s)

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ECM/gm



without references

Sheet

1 of

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Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

Docket Number (Optional)
2876(203-3345)Application Number
10/712,486

Applicant

Schechter et al.

Filing Date
November 13, 2003Group Art Number
3739**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	RE36795	7/25/00	RYDELL			
	371,664	10/18/1887	BRANNAN ET AL.			
	702,472	6/17/1902	PIGNOLET			
	728,883	5/26/1903	DOWNES			
	1,586,645	6/1/26	BIERMAN			
	2,002,594	5/28/35	WAPPLER ET AL.			
	2,011,169	8/13/35	F.C. WAPPLER			
	2,176,479	10/17/39	WILLIS			
	2,305,156	4/17/41	GRUBEL			
	2,632,661	8/14/48	CRISTOFV			
	2,668,538	2/9/54	BAKER			
	2,796,065	6/18/57	KAPP			
	3,459,187	3/9/67	PALLOTTA			
	3,643,663	2/22/72	SUTTER			
	3,651,811	3/28/72	HILDEBRANDT ET AL.			
	3,862,630	1/28/75	BALAMUTH			
	3,866,610	2/18/75	KLETSCHEKA			
	3,911,766	10/14/75	FRIDOLPH ET AL.			
	3,920,021	11/18/75	HILTEBRANDT			
	3,921,641	11/25/75	HULKA			
	3,938,527	2/17/76	RIOUX ET AL.			
	3,952,749	4/27/76	FRIDOLPH ET AL.			
	4,005,714	2/1/77	HILTEBRANDT			
	4,074,718	2/21/78	MORRISON, JR.			
	4,088,134	5/9/78	MAZZARIELLO			

Examiner

Date Considered

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

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Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	4,165,746	8/28/79	BURGIN			
	4,300,564	11/17/81	FURIHATA			
	4,370,980	2/1/83	LOTTICK			
	4,492,231	1/8/85	AUTH			
	4,552,143	11/12/85	LOTTICK			
	4,574,804	3/11/86	KURWA			
	4,597,379	7/1/86	KIHN ET AL.			
	4,657,016	4/14/87	GARITO ET AL.			
	4,671,274	6/9/87	SOROCHENKO			
	4,685,459	8/11/87	XOCH ET AL.			
	4,763,669	8/16/88	JAEGER			
	4,827,929	5/9/89	HODGE			
	4,887,612	12/19/89	ESSER ET AL.			
	4,938,761	7/3/90	ENSSLIN			
	5,007,908	4/16/91	RYDELL			
	5,026,370	6/25/91	LOTTICK			
	5,099,840	3/31/92	GOBLE ET AL.			
	5,116,332	5/26/92	LOTTICK			
	5,151,102	9/29/92	XAMIYAMA ET AL.			
	5,176,695	1/5/93	DULEBOHN			
	5,197,964	3/30/93	PARINS			
	5,215,101	6/1/93	JACOBS ET AL.			
	5,217,457	6/8/93	DELAHUERGA ET AL.			
	5,217,458	6/8/93	PARINS			
	5,244,462	9/14/93	DELAHUERGA ET AL.			
	5,250,047	10/5/93	RYDELL			

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	5,258,006	11/2/93	RYDELL ET AL.			
	5,261,918	11/16/93	PHILLIPS ET AL.			
	5,275,615	1/4/94	ROSE			
	5,277,201	1/11/94	STERN			
	5,282,799	2/1/94	RYDELL			
	5,290,286	3/1/94	PARINS			
	5,304,203	4/19/94	EL-MALLAWANY ET AL.			
	5,308,357	5/3/94	LICHTMAN			
	5,318,589	6/7/94	LICHTMAN			
	5,324,289	6/28/94	EGGERS			
	5,330,471	7/19/94	EGGERS			
	5,334,183	8/2/94	WUCHINICH			
	5,334,215	8/2/94	CHEN			
	5,336,221	8/9/94	ANDERSON			
	5,342,359	8/30/94	RYDELL			
	5,342,381	8/30/94	TIDEMAND			
	5,342,393	8/30/94	STACK			
	5,352,222	10/4/94	RYDELL			
	5,354,271	10/11/94	VODA			
	5,356,408	10/18/94	RYDELL			
	5,366,477	11/22/94	LEMARIE, III ET AL.			
	5,383,897	1/24/95	WHOLEY			
	5,389,098	2/14/95	TSURUTA ET AL.			
	5,389,104	2/14/95	HAHNEN ET AL.			
	5,391,166	2/21/95	EGGERS			

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Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	5,391,183	2/21/95	JANZEN ET AL.			
	5,403,312	4/4/95	YATES ET AL.			
	5,411,519	5/2/95	TOVEY ET AL.			
	5,411,520	5/2/95	NASH ET AL.			
	5,413,571	5/9/95	KATSAROS ET AL.			
	5,415,657	5/16/95	TAYMOR-LURIA			
	5,423,810	6/13/95	GOBLE ET AL.			
	5,425,739	6/20/95	JESSEN			
	5,429,616	7/4/95	SCHAFFER			
	5,431,674	7/11/95	BASILE ET AL.			
	5,437,292	7/4/95	SCHAFFER			
	5,438,302	8/1/95	GOBLE			
	5,441,517	8/15/95	KENSEY ET AL.			
	5,443,463	8/22/95	STERN ET AL.			
	5,443,464	8/22/95	RUSSELL ET AL.			
	5,443,480	8/22/95	JACOBS ET AL.			
	5,445,638	8/29/95	RYDELL ET AL.			
	5,445,658	8/29/95	DURRFELD ET AL.			
	5,451,224	9/19/95	GOBLE ET AL.			
	5,456,684	10/10/95	SCHMIDT ET AL.			
	5,458,598	10/17/95	FEINBERG ET AL.			
	5,460,629	10/24/95	SHLAIN ET AL.			
	5,462,546	10/31/95	RYDELL			
	5,472,443	12/5/95	CORDIS ET AL.			
	5,478,351	12/26/95	MEADE ET AL.			

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	Filing Date November 13, 2003	Group Art Number 3739

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	5,484,436	1/6/96	EGGERS ET AL.			
	5,496,317	3/5/96	GOBLE ET AL.			
	5,499,997	3/19/96	SHARPE ET AL.			
	5,509,922	4/23/96	ARANYI ET AL.			
	5,514,134	5/7/96	RYDELL ET AL.			
	5,527,313	6/18/96	SCOTT ET AL.			
	5,531,744	7/2/96	NARDELLA ET AL.			
	5,540,684	7/30/96	HASSLER, JR.			
	5,540,685	7/30/96	PARINS, ET AL.			
	5,540,715	7/30/96	KATSAROS ET AL.			
	5,558,672	9/24/96	EDWARDS ET AL.			
	5,569,241	10/29/96	EDWARDDS			
	5,571,100	11/5/96	GOBLE ET AL.			
	5,569,243	10/29/96	KORTENBACH ET AL.			
	5,573,535	11/12/96	VIKLUND			
	5,585,896	12/17/96	YAMAZAKI ET AL.			
	5,590,570	1/7/97	LEMAIRE, III ET AL.			
	5,603,711	2/18/97	PARINS, ET AL.			
	5,603,723	2/18/97	ARANYI ET AL.			
	5,626,578	5/6/97	TIHON			
	5,630,833	5/20/97	KATSAROS ET AL.			
	5,637,110	6/10/97	PENNYBACKER ET AL.			
	5,643,294	7/1/97	TOVEY ET AL.			
	5,647,869	7/15/97	GOBLE ET AL.			
	5,647,871	7/15/97	LEVINE ET AL.			
	5,649,959	7/22/97	HANNAM ET AL.			

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U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	5,658,281	8/19/97	HEARD			
	5,667,526	9/16/97	LEVIN			
	5,674,220	10/7/97	FOX ET AL.			
	5,693,051	12/2/97	SCHULZE ET AL.			
	5,695,522	12/9/97	LEMAIRE, III ET AL.			
	5,700,261	12/23/97	BRINKERHOFF			
	5,702,390	12/30/97	AUSTIN ET AL.			
	5,707,369	1/13/98	VAITEKUNAS ET AL.			
	5,709,680	1/20/98	YATES ET AL.			
	5,727,428	3/17/98	LEMAIRE, III ET AL.			
	5,743,906	4/28/98	PARINS, ET AL.			
	5,755,717	5/26/98	YATES ET AL.			
	5,766,166	6/16/98	HOOVEN			
	5,766,170	6/16/98	EGGERS			
	5,769,849	6/23/98	EGGERS			
	5,776,128	7/7/98	EGGERS			
	5,776,130	7/7/98	BUYSSE ET AL.			
	5,779,701	07/14/98	MCBRAYER ET AL.			
	5,792,137	8/11/98	CARR ET AL.			
	5,792,177	8/11/98	KASEDA			
	5,797,958	08/25/98	YOON			
	5,800,449	9/1/98	WALES			
	5,810,808	9/22/98	EGGERS			
	5,810,811	09/22/98	YATES ET AL.			
	5,814,043	9/29/98	SHAPETON			
	5,827,271	10/27/98	BUYSSE ET AL.			
	5,827,279	10/27/98	HUGHETT ET AL.			
	5,827,281	10/27/98	LEVIN			

Examiner

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	Filing Date November 13, 2003	Group Art Number 3739

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	5,833,690	11/10/98	YATES ET AL.			
	5,843,080	12/1/98	FLEENOR ET AL.			
	5,849,022	12/15/98	SAKASHITA ET AL.			
	5,853,412	12/29/98	MAYENBERGER			
	5,891,141	4/6/99	RYDELL			
	5,891,142	4/6/99	EGGERS ET AL.			
	5,893,863	04/13/99	YOON			
	5,893,875	4/13/99	O'CONNOR ET AL.			
	5,902,301	5/11/99	OLIG			
	5,908,420	7/1/99	PARINS, ET AL.			
	5,913,874	6/22/99	BERNS ET AL.			
	5,921,984	7/13/99	SUTCU ET AL.			
	5,935,126	8/10/99	RIZA			
	5,951,549	9/14/99	RICHARDSON ET AL.			
	5,954,720	9/21/99	WILSON ET AL.			
	5,976,132	11/2/99	MORRIS			
	5,989,277	11/23/99	LEMAIRE, III ET AL.			
	6,004,335	12/21/99	VAITEKUNAS ET AL.			
	6,024,744	2/15/00	KESE ET AL.			
	6,033,399	3/7/00	GINES			
	6,039,733	3/21/00	BUYSSE ET AL.			
	6,050,996	4/18/00	SCHMALTZ ET AL.			
	6,053,914	4/25/00	EGGERS ET AL.			
	6,053,933	4/25/00	BALAZS ET AL.			
	6,083,223	7/4/00	BAKER			
	6,086,586	7/11/00	HOOVEN			

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	6,090,107	7/18/00	BORGMEIER ET AL.			
	6,090,109	7/18/00	LANDS ET AL.			
	6,096,031	8/1/00	MITCHELL ET AL.			
	6,099,550	8/8/00	YOON			
	6,102,909	8/15/00	CHEN ET AL.			
	6,110,171	8/29/00	RYDELL			
	6,113,596	9/5/00	HOOVEN ET AL.			
	6,113,598	9/5/00	BAKER			
	6,126,658	10/3/00	BAKER			
	6,152,923	11/28/00	RYAN			
	6,174,309	1/16/01	WRUBLEWSKI ET AL.			
	6,179,834	1/30/01	BUYSSE ET AL.			
	6,179,837	1/30/01	HOOVEN			
	6,183,467	2/6/01	SHAPETON ET AL.			
	6,187,003	2/13/01	BUYSSE ET AL.			
	6,190,386	2/20/01	RYDELL			
	6,193,718	2/27/01	KORTENBACH ET AL.			
	6,206,876	3/27/01	LEVINE ET AL.			
	6,206,877	3/27/01	KESE ET AL.			
	6,224,593	5/1/01	RYAN ET AL.			
	6,228,080	5/8/01	GINES			
	6,228,083	5/8/01	LANDS ET AL.			
	6,267,761	7/31/01	RYAN			
	6,273,887	8/14/01	YAMAUCHI ET AL.			
	6,277,117	8/21/01	TETZLAFF ET AL.			
	6,334,860	1/1/02	DORN			

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FOREIGN PATENT DOCUMENTS

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							Yes	No
		EP1082944A1	3/14/01	EP				
		EP1080694A1	3/7/01	EP				
		EP1055400A1	11/29/00	EP				
		EP1055399A1	11/29/00	EP				
		EP1053720A1	11/22/00	EP				
		EP1053719A1	11/22/00	EP				
		EP1050278A1	11/8/00	EP				
		EP1034746A3	10/18/00	EP				
		EP1025807A3	10/4/00	EP				
		EP1034748A1	9/13/00	EP				
		EP1034747A1	9/13/00	EP				
		EP0923907A1	6/23/99	EP				
		EP0887046A3	1/13/99	EP				
		EP0754437A3	3/19/97	EP				
		EP0717966A1	6/26/96	EP				
		EP0694290A3	3/13/96	EP				
		EP0650701A1	5/3/95	EP				
		EP0623316A1	11/9/94	EP				
		EP0364216A1	4/18/90	EP				
		EPO518230A1	12/16/92	EP				
		EP0 541 930 B1	5/19/93	EP				
		EP0572131	12/1/93	EP				
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				Filing Date November 13, 2003		Group Art Number 3739		
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